



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Planning, Housing and Community Development
DATE: September 26, 2013
SUBJECT: 164 & 168 Clinton Street; Series A Site Plan Review / Special Use Permit
TM ID #: 144.78-2-48& 144.78-2-49
CASE: 201354-03

A. REVIEW REQUESTED

This project would provide for the construction of a three story mixed use building, consisting of 969 square feet of ground floor commercial space and ten dwelling units reserved for seniors. The project would include seven proposed parking spaces located to the rear of the building, a pedestrian entry court along Clinton Street, and planter beds to the front and rear of the building. The subject site is located within the C-4, Neighborhood Commercial District. The proposed project requires Series A Site Plan / Special Use Permit approval from the Planning Commission.

B. ADDITIONAL REVIEWS

The proposed project is not located in any historic district and is not designated as a Local Landmark property; review by the Commission on Architecture and Urban Design ('CAUD') is not required.

The proposed project is not located in the Local Waterfront Revitalization Program area; review by the Waterfront Advisory Committee ('WAC') is not required.

C. STAFF COMMENTS

The applicant is seeking Restore New York funding to facilitate construction of the project as well as Low Income Tax Credits (LITC). The application deadline for LITC is in December. Planning Commission approval of the project is required prior to submission of the LITC.

Staff has identified the following issues with the proposed plans and will be working with the applicant to reach a resolution in advance of the public hearing.

1. As currently designed area variances would be required for the following:
 - 11.5 foot side setback along the east property line where 15 feet is required. The Planning Commission may modify the setback by 10 percent, reducing the requirement to 13.5 feet.

- 4 foot rear setback along the rear property line where 5 feet is required for the parking area
 - 72 percent lot coverage where maximum 70 percent lot coverage is permitted. The Planning Commission may increase lot coverage by no more than 5 percent, bringing the permissible lot coverage for this site to 73.5 percent.
2. The project requires a landscaping and tree canopy cover plan including the size and species of all plant materials. Staff recommends that the landscape plan shall include the installation of one additional small street tree, species selected from the City's recommended street tree list, to be planted within the utility strip along Clinton Street. The bulk table shall also be revised to include the canopy cover calculation to verify compliance with Zoning Code Section 410.55C(4).
 3. The front façade of the building should include more windows on the second and third floors to retain the pattern of wall spaces versus window opening spaces. This would also reduce the visual mass of the building when viewed from the street and would be more consistent with the traditional architecture found along Clinton Street. This can be achieved by rearranging the floor plan such that the bathrooms are along the interior wall of the building and not the outer walls.
 4. The plans shall be revised to identify all proposed exterior building materials.

D. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.

3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

E. SITE REVIEW

The properties known as 164 and 168 Clinton Street are located on the north side of Clinton Street between West Street and St. Cyril Avenue. The lots have a combined frontage of 100' and a depth of 132'. The site was previously occupied by two vacant two-story structures; the primary structure was known as the Lincoln Hotel. The Lincoln Hotel was substantially damaged by a fire earlier this year and subsequently demolished.

Land use in the vicinity of the subject properties consists of a mix of commercial, residential and community services. The majority of land uses along Clinton Street are commercial on the first floor. St. Cyril's church occupies a considerable portion of the area directly east of the subject properties.

F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

164-168 Clinton Street: In 2011, the Planning Commission granted a Special Use Permit and Series A Site Plan to the First Ward Action Council, to renovate the Lincoln Hotel for mixed-use (general office space & 1 one-bedroom dwelling on the first floor, 4 efficiency units & 1 one-bedroom unit on the second floor).

164-168 Clinton Street: In 2011, the Zoning Board of Appeals granted area variances to the First Ward Action Council for parking and lot coverage.

144-150 Clinton Street: The Zoning Board of Appeals granted variances to St. Cyril's United Methodist Church in 1989 to expand an existing parking area.

171-177 Clinton Street: In March of 2001, the Planning Commission granted a Special Use Permit and Series A Site Plan to the First Ward Action Council to convert the second floor of an existing structure to seven apartment units.

196-198 Clinton Street: In July of 2008, the Planning Commission granted a Special Use Permit and Series A Site Plan approval to Richard Sobon, to operate a cremation business / funeral home in a C-4 District.

205-207 Clinton Street: The Zoning Board of Appeals granted a request by the Slovak Gymnastic Union in 1979 for use and area variances to use the premises as a membership/community center/indoor recreational facility.

215 Clinton Street: The Planning Commission granted a Special Use Permit and Series A Site Plan to Allspec Finishing Inc. in September of 2000 to operate an industrial spray painting and finishing business.

222-224 Clinton Street: A Special Use Permit was issued to Garo Kachadourian in 1994 to operate a used car business.

G. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>

H. FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

Staff recommends that the Planning Commission include the following conditions of approval:

1. Urban Runoff Reduction Plan. Prior to the issuance of a grading, building, and/or demolition permit for the proposed project a Final Urban Runoff Reduction Plan incorporating green infrastructure techniques shall be submitted to the Building Department for review and approval by the Stormwater Management Officer, or his or her designee. Upon submittal, the Building Department shall refer the Plan immediately to the Stormwater Management Officer, or his or her designee. Within 30 business days of receiving the Plan, the Stormwater Management Officer shall approve, require revisions to, or disapprove the Plan. Prior to approval or denial of a Plan, the Stormwater Management Officer may require that the applicant make revisions to the Plan as may be necessary to comply with the provisions of Chapter 227. Approved Plans shall be referred back to the Building Department, who shall issue the Plan to the applicant concurrent with other necessary permits pertinent to site alteration and construction. Any Plan disapproved by the Stormwater Management Officer must be revised by the applicant and resubmitted for approval in order for the project to proceed. No building, grading, and/or demolition permit shall be issued until a Final Urban Runoff Reduction Plan has been approved by the Stormwater Management Officer.
2. Undergrounding of Utilities. The project applicant shall submit plans for review and approval by the Department of Building Construction Building Construction, Zoning and Code Enforcement, and

other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground from the project applicant's structure to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

3. Assurance of Landscaping Completion. Prior to Issuance of a Certificate of Occupancy the trees, shrubs and landscape materials illustrated on the proposed site plan shall be planted or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal to the estimated cost of the required landscaping materials and installation, based on a licensed contractor's bid.
4. Landscape Maintenance. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.
5. Improvements in the Public Right-of-Way. Along with the Building Permit application for the proposed project, the applicant shall submit a Public Improvement Plan for the adjacent public right-of-way (ROW) showing all proposed improvements necessary to bring the property into compliance with City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, street lighting, on-street parking and accessibility improvements.

G. COMMENTS FROM OTHER DEPARTMENTS

Representatives of the following departments were provided case materials and an opportunity to offer comments on the proposal: Engineering, Public Works and Fire Departments. The deadline for their comments is October 25, 2013.

H. ENCLOSURES

Enclosed are copies of the site plan, the application and site photos.

Report prepared by:

Leigh McCullen